

15 SEPTEMBER 1947

I N D E X
of
WITNESSES

Defense' Witnesses

Page

ARAKI, Sadao (resumed)	28405
Cross (cont'd) by Mr. Comyns Carr	28405
Redirect by Mr. McManus	28415
Questions by the President of the Tribunal, Sir William Webb	28419

MORNING RECESS

28419

Questions (cont'd) by the President of the Tribunal, Sir William Webb	28420
Redirect (cont'd) by Mr. McManus	28421
(Witness excused)	28429
MASAKI, Jinsaburo	28455
Direct by Mr. SUGAWARA	28455
Cross by Mr. Comyns Carr	28464
(Witness excused)	28471
OMORI, Sogen	28476
Direct by Mr. McManus	28476
(Witness excused)	28476

15 SEPTEMBER 1947

I N D E X
of
WITNESSES
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
TODOOKI, Sakae	28479
Direct by Mr. McManus	28479
(Witness excused)	28481
NAKAMURA, Kazu	28482
Direct by Mr. McManus	28482
<u>AFTERNOON RECESS</u>	28483
(Witness excused)	28484
ARITA, Hachiro	28485
Direct by McManus	28485
Cross by Mr. Comyns Carr	28489
(Witness excused)	28503
ISHIWATA, Sotaro	28504
Direct by Mr. McManus	28504
(Witness excused)	28509

15 SEPTEMBER 1947

I N D E X
of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2010	3166		Letter dated 20 January 1934 from ARAKI, Sadao to His Excellency the Premier Viscount Minoru SAITO - Basic Suggestions for the Emergency		28429
			<u>RECESS</u>		28430
1882	3167		The Stenographic Record of the Proceedings of the 61st Session of the House of Peers in the Imperial Diet, No. 2, dated 23 March 1932 - Report by ARAKI, Sadao, Minister of State		28436
			<u>NOON RECESS</u>		28452
1169	3168		Affidavit of MASAKI, Jinsaburo		28456
1956	3169		Affidavit of ARIA, Hachiro		28485
2138	3170		Affidavit of ISHIWATA, Sotaro		28504

1 Monday, 15 September 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Comyns Carr.

4 - - -

5 S A D A O A R A K I, an accused, resumed the stand
6 and testified through Japanese interpreters as
7 follows:

8 CROSS-EXAMINATION

9 BY MR. COMYNS CARR (Continued):

10 Q General ARAKI, just one further question about
11 Jehol. You had said on two occasions that the entry into
12 Jehol was done under the Japanese-Manchoukuo Pact of the
13 15th of September, 1932. Is that your view?

14 A Yes.

15 Q But, you told us before that it had been decided
16 as early as December, 1931, soon after you entered the
17 cabinet, that Jehol was to be included in the area of
18 operations; did you not?

19 A That is not so. The policy laid down at the
20 beginning of the INUKAI Cabinet was that --

21 THE MONITOR: Japanese court reporter.

22 (Whereupon, the last answer was read
23 by the Japanese court reporter.)

24 THE INTERPRETER: Since it was not definite
25 who was to carry things out, no one could tell how far

1 the Army would go.

2 (Whereupon, the monitor spoke to the
3 witness in Japanese.)

4 THE INTERPRETER: Correction: Since no one
5 would know who the opponent was to be in the Chinese
6 Army, no one could tell how far the Japanese Army would
7 be able to go.

8 A (Continuing) Therefore, since the person
9 responsible for the unsettled state of affairs in Man-
10 churia was Chang Hsueh-liang, we must settle accounts
11 with him. Then, naturally, the problem came up as to
12 how far the authority of Chang Hsueh-liang extended,
13 and since at that time his authority extended to Jehol,
14 that's what we decided on. But, since our real desire
15 was not in the use of armed force, the desire of the --
16 even the desires of the INUKAI Cabinet was to settle
17 things peacefully in as short a time as possible. That
18 was the main outline of the policy laid down when the
19 INUKAI Cabinet was established.

20 MR. COMYNS CARR: I refer the Tribunal to
21 exhibit 3162 in connection with that answer.

22 Q Did not the operations against Jehol actually
23 begin in July, 1932, and were they not continued in
24 August, 1932?

25 A No, that is not so.

1 Q Now, you told me on Friday, just before the
2 adjournment, that you had not heard even a rumor of
3 the atrocities of the Japanese Army at Nanking. Do
4 you really mean that?

5 A At the time I had heard nothing whatsoever
6 about the so-called Incident.

7 Q When did you first hear about it?

8 A The first time I heard of this Incident was
9 when testimony on it was given before this Tribunal, but
10 when I replied on Friday, I said that I was not yet sure
11 whether they were actually the facts.

12 Q As a cabinet adviser, did you not see the
13 reports which came from the Japanese Consulate-General
14 in Nanking?

15 A Cabinet advisers were not shown such documents.

16 Q Did you not know that officers were sent out
17 to Nanking to investigate the matter?

18 THE MONITOR: Mr. Comyns Carr, is that civilian
19 officers or military officers?

20 MR. COMYNS CARR: Military officers.

21 A I do not know anything whatsoever about that.

22 Q Do you not read the newspapers?

23 A Yes, I do read the newspapers.

24 Q Do you read foreign newspapers as well as
25 Japanese newspapers?

1 A No, I do not read foreign newspapers.

2 Q Did not the Japanese newspapers contain
3 accounts of the achievements of the Japanese soldiers
4 in massacring Chinese?

5 A I have never seen such accounts.

6 Q Did you not know that General MATSUI was re-
7 called in February , 1938 and replaced by General HATA.

8 A I know he was replaced. I do not know anything
9 about the circumstances.

10 Q Did you not inquire into the reasons?

11 A No.

12 A Now, you have told us that you did know that
13 on the 16th of January, 1938, the KONOYE Cabinet decide
14 to have no further negotiations with Chiang Kai-shek.

15 A I do know that.

16 Q And that, as I understand from your affidavit,
17 was entirely contrary to your own policy; was it not?

18 A At the time this statement was announced, all
19 the cabinet advisors gave strong opinions on the matter
20 as the meaning of the phrase "no further dealings with
21 the Chiang Regime" was very ambiguous and the wording
22 of the statement itself was not of the best, and no one
23 was able to predict what the effect of such a statement
24 would be.

25 Q This much is clear about it, was it not: that

1 he Cabinet had decided to fight to a finish with
2 Chiang Kai-shek?

3 A The cabinet advisers hardly heard anything
4 of such a nature. In fact, it was very kind of the
5 Cabinet even to show us the statement at all.

6 Q It was published, was it not?

7 A It was -- the Cabinet issued the statement and
8 I feel that it was very kind of the Cabinet to show us
9 that statement at all.

10 Q You mean to show it to you before it was pub-
11 lished?

12 A Yes.

1 Q Now, what was the strong opinion which you
2 say you expressed about it?

3 A The opinion of practically all the cabinet
4 **councilors** was that, although the wording of the state-
5 ment was ambiguous, it did mean that all negotiations
6 with the Chiang Kai-shek regime in the future would
7 be cut off, and we felt that that would constitute an
8 obstacle to any possible future negotiations between
9 the Chinese Government and ourselves. This voicing
10 of the opinion of the cabinet **councilors** in regard to
11 this statement, that it was ambiguous, was about the
12 last chance the **councilors** had to give any opinion or
13 make any efforts in connection with advising the cab-
14 inet.

15 Q And, contrary to your advice, the statement
16 was issued, was it not?

17 A I do not know what exactly was discussed at
18 the cabinet meeting. However, I do know that this
19 statement to the effect that the Japanese Government
20 would not deal with the Chiang regime was issued with-
21 out any alterations at all.

22 Q Why, then, did you in May 1938 join the Govern-
23 ment which had rejected your advice on two vital ques-
24 tions of policy, which you have told us about?

25 A I felt that it was still too early for me to

1 go completely into retirement, that I should make one
2 final effort for the sake of my country, and also
3 accepted partly because of Prince KONOYE's very
4 urgent pleas. I felt it was still too early to
5 give up hope.

6 I should like to say this much for Prince
7 KONOYE: That when, in connection with this statement
8 about the Chiang regime, I met him later and asked
9 him about the statement, he said that, "I did not
10 issue it with the thought that all future negotiations
11 with the Chiang regime was to be cut off but that, if
12 the Chiang regime reconsidered, we are always willing
13 to take up negotiations again."

14 Q Do you not know, while you were a member of
15 the cabinet, he repeated the statement in December
16 1938?

17 A I do not remember well at the present moment.

18 Q And, do you not know that in December 1938
19 steps were being taken by the cabinet to establish
20 Wang Ching-wei as a rival government?
21

22 A I do not know.

23 Q Why did you remain a member of the cabinet
24 which continued to act in opposition to what you say
25 were your policies?

A As I said before, I felt that there was still

some way by which my hopes and ideals could be realized and was bending all my efforts to that end, but because of my position -- because of the cabinet position which I held, I had no means of knowing about the policies in regard to those matters, nor was my advice sought on these questions and, for instance, I did not even know when Wang Ching-wei came to Japan, that he was there.

Q Now, you have suggested that, during the time you were in the First KONOYE Cabinet and the HIRANUMA Cabinet, matters were decided by the Five Ministers Conference and you were not consulted, is that true?

A Yes.

Q Was not the truth that no decision taken by that Five Ministers Conference could be put into effect until it had been brought before the cabinet and received the approval of the cabinet?

A That would be so if a policy was to be carried -- actually carried out after being decided upon. However, at the time, hardly any important policies was being decided.

Q For instance, were you not present on or about the 10th of June, 1939, when the HIRANUMA Cabinet decided to establish the regime of Wang Ching-wei?

A I am not sure on that point. However, we did

1 not even know that Mr. Wang had been brought to Japan
2 and was in Japan at that time.

3 Q Did you not, on the first anniversary of the
4 China Incident, make a speech in which you yourself
5 said that Japan would not lay down arms until anti-
6 Japanese China was completely crushed to the extent
7 that it could not stand up again?

8 A I do not believe that can have been my
9 address. I have no recollection, personally, of
10 having delivered such an address, and I believe it
11 must be taken from the Monbu Ji Hyo or one of the
12 other documents to which you referred before.

13 Q Did you not cause it to be published in your
14 own Education Ministry review?

15 A The Education Ministry review, or Monbu Ji
16 Hyo, was published by the Education Ministry, and there
17 was a competent section which handled the publishing
18 of that review, and somebody must have written that
19 statement, and probably I myself, maybe, glanced
20 through it, but it was nothing more than that. And,
21 I remember that when you showed me one of those
22 monthlies, I looked through it, and I thought, "Oh,
23 yes, I do remember that." But, that is about the
24 extent to which the matter goes.
25

And, in the first part of the article, ideas

1 to that effect may be found, but if you will look at
2 the document as a whole and especially at the latter
3 part --

4 THE INTERPRETER: Correction: "Not "document"
5 but "article."

6 A (Continuing) -- you will find that the real
7 import of the article is not in such an idea.

8 MR. COMYNS CARR: That is exhibit 2281, and
9 that concludes my cross-examination.

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THE PRESIDENT: Mr. McManus.

REDIRECT EXAMINATION

BY MR. McMANUS:

Q General, you were interrogated on a great number of occasions, were you not?

A Between twenty and thirty times -- twenty odd times.

Q The three interpreters who appeared in the courtroom yesterday were not the only interpreters which appeared before you at Sugamo, were they?

THE PRESIDENT: On Friday.

A No.

Q There were others, were there?

A I recollect that there were several others.

MR. McMANUS: If your Honor pleases, may I re-tender at this time defense document 1899B, which the Court has not yet ruled upon.

THE PRESIDENT: Is there any objection to this?

Mr. Comyns Carr.

MR. COMYNS CARR: The prosecution objects to this document, if the Tribunal pleases, on the ground that it is a matter which if relevant at all should have been introduced in the general phase.

THE PRESIDENT: Did the witness say that he

was personally responsible for this statement by
SHIRAKAWA?

MR. McMANUS: I believe so, your Honor.

THE PRESIDENT: That he directed that this
statement be made; is that so?

MR. McMANUS: That is my recollection of the
witness' testimony, if the Court pleases.

THE PRESIDENT: Mr. Carr.

MR. COMYNS CARR: It is not my recollection,
your Honor. I don't think he was asked about this
document. I may be wrong.

THE PRESIDENT: He made a statement to that
effect as regards other commanders, but I do not
recollect whether he did about SHIRAKAWA.

MR. COMYNS CARR: Your Honor, he made a
statement to that effect with regard to proclamations
issued by this person SHIRAKAWA and also UEDA imme-
diately on their arrival in Shanghai; but I don't
think he has yet said that everything they issued
subsequently was issued on his instructions.

THE PRESIDENT: Well, unless he can be shown
to be connected with it personally it must be rejected
upon that doctrine that we have decided to apply, or
ruling, as I should say.

MR. McMANUS: May I inquire of the witness,

ARAKI

REDIRECT

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1 if the Court pleases, to determine whether or not
2 he was responsible for this statement?
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1 Q General, I ask you to look at defense docu-
2 ment 1899-B and tell the Tribunal whether or not you
3 were personally responsible for the statement made by
4 SHIRAKAWA therein.

5 A I shall reply. Previous to General SHIRAKAWA's
6 departure I instructed him, just as I instructed
7 Divisional Commander UEDA, that the ideas of the govern-
8 ment and of the central military authorities were the
9 same as those which he subsequently embodied in his
10 proclamation -- in his statement -- that they should be
11 such. Although this goes into details, I believe that
12 General SHIRAKAWA issued this statement in accordance
13 with my intentions that the matters should be solved
14 without recourse to arms.

15 MR. McMANUS: I tender the document again, if
16 the Court pleases.

17 THE PRESIDENT: Mr. Comyns Carr.

18 MR. COMYNS CARR: Your Honor, it is a very
19 small matter, but to maintain the principle, in my sub-
20 mission the answer entirely fails to cover this docu-
21 ment, which is a statement of fact about matters which
22 happened after the general issuing the statement had
23 arrived in Shanghai.

24 THE PRESIDENT: By a majority the objection
25 is sustained and the document rejected.

Q General, on May 11, 1932 --

1 THE PRESIDENT: Before you re-examine I
2 think I should put a number of questions on behalf of
3 Members of the Tribunal, so that your re-examination
4 may cover the answers to these questions, if necessary.
5 BY THE PRESIDENT:

6 Q In paragraph 3 of your affidavit, Witness, you
7 refer to the policy of the government being non-expan-
8 sion. Did that apply to China proper?
9

10 A It applied everywhere.

11 THE PRESIDENT: I have quite a number of ques-
12 tions here in behalf of General Zaryanov, the Member
13 from the U. S. S. R. They relate to a period before
14 that covered by the Indictment, but it is claimed they
15 go to the character of the witness.

16 BY THE PRESIDENT:

17 Q The first question is: Were you arrested for
18 espionage in middle Asia in April, 1912, by the Russian
19 Secret Service Agents?

20 A I was not arrested, but if permitted, I shall
21 state the circumstances at that time -- my own feeling
22 of dissatisfaction and of oppression. I shall state the
23 facts briefly.
24

25 Q Before you say anything further we have de-
cided to adjourn and confer on these questions.

1 (Whereupon, at 1015, a recess was
2 taken until 1035, after which the proceedings
3 were resumed as follows:)

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: The question and the answer
7 or part answer thereto put to this witness just be-
8 fore we adjourned will not be considered. The ques-
9 tion may be put later in the course of the case if
10 circumstances so warrant. That will be decided in
11 due course if the necessity arises. I am expressing
12 now the wish of General Zaryanov.

13 I have another question on behalf of the
14 General: Do you know anything about the Japanese
15 Plan OTSU.

16 THE WITNESS: By the OTSU Plan, may I inquire
17 if a strategic plan is meant? 'I believe the OTSU
18 Plan is a strategic plan -- an operational plan. I
19 do not know about this plan.

20 THE PRESIDENT: That plan has already been
21 referred to in evidence.

22 Do you know at what those plans were aimed?

23 THE WITNESS: I cannot now recollect. May
24 I inquire around -- when -- around what year this
25 strategic plan refers to?

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1 THE PRESIDENT: Well, if you do not recol-
2 lect, I think I had better leave it at that.

3 THE WITNESS: I do not recollect.

4 THE PRESIDENT: I understand it was about
5 1922, '3 or '4. I am not sure, myself; I have for-
6 gotten the prosecution's evidence.

7 THE WITNESS: No, I do not know about that
8 plan.

9 THE PRESIDENT: Mr. McManus.

10 BY MR. McMANUS (Continued):

11 Q General, on May 11, 1932 did you make a
12 statement from your official residence concerning
13 the withdrawal of Japanese troops from Shanghai?

14 A Yes.

15 Q I ask you to look at defense document 1899-E
16 and tell the Tribunal whether or not this is a true
17 and correct report of that statement which you made
18 at that time.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: Your Honor, the Tribunal
21 objects to this document --

22 THE PRESIDENT: The prosecution.

23 MR. COMYNS CARR: The prosecution -- I beg
24 your pardon -- objects to this document. If the
25 document is admissible, I should not object to its

1 authenticity. But, in my submission, it offends
2 against the ruling which the Tribunal gave on Thurs-
3 day, that the witness cannot seek to counter belli-
4 cose statements which he is alleged to have made by
5 proving that on other occasions he made statements
6 which were non-bellicose. In our submission, this
7 document amounts to nothing more than that.

8 MR. McMANUS: If the Tribunal pleases, it
9 certainly tends to show the attitude of the witness
10 at that time.

11 THE PRESIDENT: It is covered by our previ-
12 ous ruling to which Mr. Carr refers, I think, Mr.
13 McManus.

14 The Court would like to see this document.

15 Mr. Comyns Carr.

16 MR. COMYNS CARR: I would like, your Honor,
17 to add that, so far as the document contains any
18 facts, they are all in evidence already.

19 THE PRESIDENT: By a majority, the Court
20 sustains the objection and rejects the document.

21 Q I show you, General, defense document 1884
22 and ask you whether or not this is a true and correct
23 report from a speech made by you on March 8, 1932
24 welcoming the Inquiry Committee of the League of
25 Nations.

THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: Your Honor, again I make
2 the same objection and the same remark, that if the
3 document is admissible, I thought I had made it
4 clear to my friend that I wouldn't object to its
5 authenticity and, therefore, it is unnecessary to
6 ask this witness to identify it.

7 THE PRESIDENT: Well, we haven't seen it
8 yet.

9 MR. COMYNS CARR: It is really nothing but
10 a statement of the Japanese position to the League
11 of Nations which we have had over and over again.
12 Parts of it, on the last page, 3, are, in fact, not
13 so very pacific and rather support the prosecution's
14 case, but we do not consider the document of suffi-
15 cient importance to ask that it be admitted on that
16 ground.

17 THE PRESIDENT: Yes. By a majority the
18 Court upholds the objection and rejects the document.

19 Q General, at this time I ask you whether or
20 not, on October 30, 1933, you suggested an Asiatic
21 Peace Conference, inviting all countries concerned
22 to participate for the promotion of world peace.

23 A Yes.

24 Q I now ask you to examine defense document
25

1 2012 and tell us whether or not this is a true and
2 correct report of the circumstances surrounding your
3 suggestion at that time.

4 (Whereupon, a document was handed
5 to the witness.)

6 THE PRESIDENT: Mr. Comyns Carr. The
7 document has not been tendered yet, has it?

8 MR. McMANUS: I am waiting for the wit-
9 ness' reply.

10 A This is a report written down by a news-
11 paperman who came to see me in Fukui where I granted
12 him an interview concerning the proposal I had made
13 before for the holding of an Asia Pacific Confer-
14 ence. I do not know anything about the latter part
15 of this document.

16 THE PRESIDENT: What is the latter part?
17 Where does that start?

18 THE WITNESS: The part beginning: The self-
19 abandonment of the Far Eastern Monroe Doctrine --
20

21 MR. COMYNS CARR: It is on page 4, your
22 Honor, of the English copy.

23 THE WITNESS: "... Foreign Office Authorities
24 Express Surprise and Oppose Scheme which They Think
25 Amounts" etc., etc. This part I know nothing
about.

1 Q General, you did make such a suggestion,
2 did you not?

3 A I have already stated in my affidavit that
4 after the Tangku Truce, that all my efforts for the
5 realization of this conference -- I have not men-
6 tioned this statement itself in my affidavit, but
7 the main facts are there.

8 MR. McMANUS: I now tender document 2012,
9 if the Court pleases.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: If your Honor pleases,
12 the prosecution objects to this document, as to the
13 first part as being unnecessary and repetitious.
14 My friend has served us with a document which is
15 the actual witness' own written statement of this
16 proposal to him sent to the Prime Minister. To that
17 we do not propose to object. But it is quite unnec-
18 essary to have a newspaper report of an interview
19 about the same subject as well, in our submission.

20 The latter part of it, beginning at page 4,
21 is the comments of some unnamed Foreign Office offi-
22 cial explaining why, in the view of the Foreign
23 Office, the proposal was impractical and likely to
24 lead to more trouble than good.

25 THE PRESIDENT: In any event, Mr. McManus,

1 as this does not arise out of cross-examination,
2 you would have to get our leave, and I do not think
3 you are likely to get it under the circumstances.

4 By a majority, the objection is sustained
5 and the document rejected.

6 Q General, upon your resignation as War
7 Minister, did you suggest an outline for the emer-
8 gency confronting Japan at that time?

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: Your Honor, I cannot
11 understand why my friend is taking up time by seek-
12 ing to examine this witness about these documents.
13 I have told him that I shall not object on the ground
14 of authenticity but only on the ground of irrelevance
15 of subject matter, and it is a pure waste of time
16 to ask the witness to identify each document under
17 those circumstances.

18 MR. McMANUS: At this time I tender docu-
19 ment 2010 and ask that it be marked into evidence,
20 if the Court pleases.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNS CARR: Prosecution does not ob-
23 ject to this document, your Honor, but the whole of
24 the first page and the first paragraph on the second
25 page and the last half of the third page are mere

1 flowery expressions of compliments to various people
2 and, in our submission, need not be read.

3 THE PRESIDENT: Well, we haven't read this
4 to discover whether it arises out of cross-examina-
5 tion.

6 MR. McMANUS: If the Tribunal pleases, I
7 am not on redirect examination. I requested the
8 Tribunal last week to permit me to keep this witness
9 on the stand for the purpose of identifying docu-
10 ments. I daresay he might be considered to be still
11 on direct examination.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. COMYNS CARR: Your Honor, he is quite right
14 about that; but, as I already submitted, it is quite
15 unnecessary to ask this witness to identify these
16 documents because they are either admissible or not
17 admissible on their own merits.

18 THE PRESIDENT: Well, should he remain on
19 the stand? Is he required further?

20 MR. COMYNS CARR: It would not be proper
21 for my friend to ask the witness any question in
22 reexamination on this document because there was no
23 cross-examination on the subject.

24 THE PRESIDENT: That is the point I am
25 making, and it is based on his presence in the

1 witness box.

2 MR. COMYNS CARR: I would suggest that,
3 unless my friend has any further questions which are
4 reexamination, the witness should return to his
5 place.

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1 MR. McMANUS: I have several other documents
2 concerning speeches that the accused himself made. I
3 had intended to try to have them identified by the
4 witness himself.

5 THE PRESIDENT: It appears the prosecution
6 have all the documents listed in the order of proof
7 and having seen those documents they are satisfied
8 not to contest their authenticity.

9 MR. COMYNS CARR: Your Honor, as far as I am
10 aware there is not one of them on which it would be
11 either necessary or proper to ask the witness a ques-
12 tion. I have said several times that we shall not
13 dispute their authenticity and the witness can throw
14 no light on their relevance.

15 MR. McMANUS: I shall offer them on their own
16 merits then, if the Tribunal pleases.

17 Do I understand, your Honor, that you have
18 accepted document 2010? If so, may I have a number,
19 please, an exhibit number?

20 THE PRESIDENT: The witness will resume his
21 place in the dock.

22 (Whereupon, the witness was excused.)

23 THE PRESIDENT: Defense document No. 2010 is
24 admitted on the usual terms.

25 CLERK OF THE COURT: Defense document No. 2010

1 will receive exhibit No. 3166.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3166 and received in evidence.)

5 MR. McMANUS: Will your Honor bear with me
6 for just a few minutes, please?

7 THE PRESIDENT: The Court will recess for
8 fifteen minutes.

9 (Whereupon, at 1104, a recess was
10 taken until 1120, after which the proceedings
11 were resumed as follows:)

12 MARSHAL OF THE COURT: The International
13 Military Tribunal for the Far East is now resumed.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: I now offer defense document
16 1883 which is a speech by Minister of State INUKAI
17 delivered in January 1932 and is tendered to explain
18 the attitude of the cabinet of which ARAKI was a member
19 toward the Manchurian Incident. It will also show
20 that attitude included no territorial ambitions.

21 MR. COMYNS CARR: May it please the Tribunal,
22 the prosecution objects to this as offending against
23 the recent rulings. Not being a speech by ARAKI it
24 should have been tendered, if at all, in the general
25 phase and in any case, so far as ARAKI can claim

1 responsibility for it, it is merely an example of a
2 statement for public consumption of a pacific character.

3 THE PRESIDENT: It appears to be perfectly
4 general, Mr. McManus. Are there any special grounds
5 for its admission?

6 MR. McMANUS: Only, if your Honor pleases,
7 as I stated before, it shows the attitude of the
8 cabinet of which ARAKI was a member.

9 THE PRESIDENT: That is a special ground.
10 ARAKI was a member of the cabinet.

11 By a majority the objection is sustained
12 and the document rejected.
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1 MR. McMANUS: I should now like to read from
2 Exhibit 3163-A. It is a statement by General UEDA
3 to the Chinese, depicting his efforts to settle the
4 Chinese Incident amicably: "A Diplomatic History of
5 the Shanghai Incident", page 83:

6 "It is my ardent wish to accomplish my
7 duty by the most effective means and I notify your
8 army of the following articles:

9 "1. Your army is to stop fighting at once,
10 complete the withdrawal of the front line troops from
11 the present front at 0700 February 20th. Withdrawal
12 must be completed by 1700 February 20th, from the
13 area (including the SHIHTZELIN Fort) which is 20
14 kilometers north of the settlement borderline, and
15 which is a line connecting the west bank of the
16 HUANGPU River and the northwest edge of the settle-
17 ment, extending through FENG HOTUCHEN, CHOWCHIACHIACHEN
18 and PUSUNGCHEN, and which connects the east bank of
19 the HUANGPU River and LAN-NI-TU and CHANG-CHIA-LOW-
20 CHEN. Furthermore, fortresses and other military
21 facilities within the said area must be withdrawn,
22 and must not be re-established.

23 "2. The Japanese army will not shell, bomb
24 nor pursue your army after your army commences to with-
25 draw. However, reconnaissance by planes will not be

1 restricted. After the withdrawal of your army, the
2 Japanese army will hold only the area in the HUNG KIU
3 vicinity, including the road area of the Municipal
4 Police Office and the area around the HUNG KIU Park.

5 "3. After the front line withdrawal of your
6 army is completed, the Japanese army will dispatch
7 investigators with guards to the withdrawal zone, in
8 order to ascertain its execution. These investigators
9 will be recognized by bearing the Japanese flag.

10 "4. Your army must thoroughly protect the
11 lives and properties of Japanese nationals residing in
12 the Shanghai area outside of the said withdrawal zone.
13 If the protection of these people is not complete, the
14 Japanese will take appropriate steps. The most effect-
15 ive prohibitive measures will also be taken against
16 guerillas.

17 "5. Separate negotiations will be made con-
18 cerning the protection of foreigners in the Shanghai
19 area (including the withdrawal zone).
20

21 "6. As for prohibiting anti-Japanese move-
22 ments, you must carry out strictly the promise which
23 Mayor WU made to Consul General MURAI on January 28.
24 The Japanese diplomatic officials will probably nego-
25 tiate separately about this item with your Chief
Administrator of Shanghai. If all the aforementioned

1 items are not carried out, the Japanese army will be
2 obliged to take free actions against your army, and
3 all the responsibilities arising as a result will be
4 borne by you.

5 "2100 hours, Feb. 18, 1932.

6 "To General TSAI TING KAI, the Commanding
7 Officer of the 19th Route Army.

8 "From UEDA, Kenkichi, the Commanding Officer
9 of the Japanese Forces."

10 I should like now to read from exhibit 3163-B
11 which is a statement of army commander SHIRAKAWA,
12 made March 1, 1932, to the Ninth Division, which is
13 tendered for the purpose of showing the attitude of
14 the Japanese army, the Cabinet and War Minister ARAKI
15 whereby they expressed a reluctance to fight re the
16 Shanghai Incident and discloses further their attitude
17 to settle the affair expeditiously, page 91, "Diplomat-
18 ic History of the Shanghai Incident";

19 "I have just arrived here today, to take com-
20 mand of the Shanghai expeditionary army in order to
21 protect our people residing in the Shanghai area, in
22 cooperation with the Navy.

23 "Though Japan has made every effort to settle
24 the matter by peaceful means, it has been all in vain,
25 and now that the 9th division has taken arms at last,

1 the Chinese are going to resist us with heavier prepar-
2 ations and a larger force. Thus being the case, Japan
3 is obliged to the increase in her forces necessary to
4 accomplish her primary purpose. We, however, don't
5 want to fight and to complicate the matter any more.
6 If the Chinese accept our demands faithfully and evac-
7 uate their forces immediately, we shall not hesitate
8 to cease military action. And it is obvious that we
9 shall be faithful neighbours toward the common Chinese
10 people and maintain harmony with all other countries
11 concerned while respecting their rights and interests.
12

13 "On the occasion of my arrival in the Shanghai
14 area commanding the Imperial army, I intend to do my
15 best not to enlarge this incident, in view of the
16 objective for which our army was sent, and to limit
17 it as much as possible and settle it quickly in order
18 to protect our people fully and at the same time to
19 restore peaceful order to East Asia.

20 "1932, March 1.

21 "Commander of the Shanghai Expeditionary Army

22 "SHIRAKAWA, Yoshinori."
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1 I now offer defense document 1882. This
2 is a report by ARAKI, Minister of State, at the 61st
3 Session of the House of Peers made on March 23, 1932,
4 concerning the Manchuria Incident and the first
5 Shanghai Incident, wherein all Japanese troops were
6 withdrawn to further the interests of peace.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,
9 the prosecution objects to this document as being
10 again nothing more than a repetition of the pacific
11 sentiments for public consumption by the accused
12 ARAKI with which these military operations were ac-
13 companied.

14 THE PRESIDENT: You object as a self-serving
15 statement.

16 MR. McMANUS: This report was made right at
17 the time of the Manchurian Incident, and I certainly
18 should think the Court would be most interested in
19 finding out what the attitude of ARAKI was at that
20 time.

21
22 THE PRESIDENT: By a majority the objection
23 is overruled and the document admitted on the usual
24 terms.

25 CLERK OF THE COURT: Defense document No.
1882 will receive exhibit No. 3167.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3167 and received in evidence.)

4 MR. McMANUS: I shall now read from exhibit
5 3167.

6 "The Official Gazette, Extra, 24 March,
7 1932.

8 "The Stenographic Record of the Proceedings
9 of the 61st Session of the House of Peers in the
10 Imperial Diet, No. 2.

11 "Sitting Opened at 10:09 A. L., Wednesday,
12 23 March 1932.

13 "Mr. ARAKI, Sadao, Minister of State.

14 "(Omitted)."

15 And then I shall continue:

16 "I should like to give an outline concerning
17 the matters of the moment that are chiefly in my charge.
18 The Anti-Japanese movement in China, which has been a
19 great hindrance to permanent peace in the Orient and one
20 of the most deplorable occurrences, has precipitately
21 enlivened its activities of later years and the
22 privileged rights of our country have not only been
23 entirely ignored by the Manchurian authorities, but
24 also great pressure has come to be laid on Japanese
25 and Korean residents, until their insurrection resulted

1 in the slaughter of these people. This serious
2 situation culminated in the murder of Japanese army
3 officers. Our countrymen, as well as those living
4 in Manchuria, that have tolerated these outrages with
5 patience, have come to stand face to face with the
6 imminent danger. This state of things has grown
7 worse, and challenged by the riotous act of violence
8 inflicted by Chinese soldiers under command of Wang
9 I-Chen in the vicinity of Peitaiying near Mukden,
10 the Japanese troops have been forced to rise against
11 their will for their own self-defense.

12 "Since then, the Japanese Army has faced
13 with minor forces the outnumbering enemy, making
14 continuous operation night and day and getting over
15 various difficulties. On the other hand, as we have
16 just received here in the assembly an encouragement
17 resolution, we have met with such an enthusiastic
18 support, born of nation-wide public wrath, as not
19 experienced for many years. Thus in unity of the
20 people many international crises have been faced
21 with and borne through.

22 "The Japanese Army, in half a year, have
23 repulsed frequent attacks of ex-soldier bandits,
24 mounted bandits and Chinese plain-clothes soldiers.
25 At present, the Japanese forces now staying in

1 Manchuria number less than 30,000 and are stationed
2 in the vast area of Manchuria and Mongolia more than
3 two times and a half as large as our empire and are
4 directly charged with protection of the lives and
5 properties of the 1,000,000 Japanese and Korean
6 residents and indirectly with the preservation of
7 peace and welfare of the 30,000,000 inhabitants. The
8 soldiers have fulfilled their duty with unfailing
9 rectitude to take up their stand on the life-line of
10 national defense and safeguarded national security.

11 "I consider the honorable members are already
12 well aware of such information.

13 "At the time of the outbreak of the incident,
14 the Japanese Army forces were formed of the 2nd
15 Division and the Independent Garrison numbering only
16 10,400 with the inclusion of those troops scattered
17 in various localities. The forces in and about Mukden
18 were only 4,000 strong at the time of the incident.
19 On the contrary, the Chinese Army numbered approxi-
20 mately 220,000 in total and the forces stationed near
21 Mukden were no less than 14,000. In consideration of
22 this situation, at the outbreak of the conflict, the
23 dispatch of a mixed brigade from Korea has been de-
24 cided on and as is well known, other troops have been
25 dispatched from home and Korea to meet the requirement

1 of various critical moments. In this manner the
2 minor Japanese forces have stripped Manchuria of the
3 menace near Liaohsi and swept away all disturbances
4 in North Manchuria. Bandits have not merely been
5 suppressed, but also they have been pacified with
6 a view to the least casualties on the part of the
7 Japanese Army. These endeavors have resulted in the
8 present rest. On closer observation, however, the
9 circumstances admit of no optimism and the authori-
10 ties concerned are now in hasty endeavors for measures
11 to cope with the situation. It is a matter of course
12 that we hope for the preservation of eternal peace in
13 Manchuria and her development even from the stand-
14 point of our own national defense and needless to say,
15 for this purpose, the prevailing condition necessi-
16 tates the existence of the present strength of the
17 forces, and the more, if possible. The respective
18 authorities are now engaged in the examination of
19 this case. Concerning the state of things in Shang-
20 hai and its vicinity, the army perceived the necessity
21 of taking up measures with deliberation, judging from
22 its peculiar character different in its nature from
23 the disturbances in Manchuria and watched further
24 development, but at the end of February, to meet the
25 need of the emergency, it was decided by the Cabinet

1 council to send a brigade from Kyushu and a division
2 reinforced to a certain degree on a program designed
3 by the Supreme Command. In view of the specially
4 complicated situation of Shanghai, the army authori-
5 ties wished for the immediate solution of the problem
6 without any bloodshed from the start and repeatedly
7 carried on negotiations with the Chinese authorities,
8 which showed no sincerity and replied with bombard-
9 ment. It is a matter of great regret that these
10 circumstances compelled us to exchange fire.

11 "The Chinese Army reinforced their strength
12 with the guards under the command of Chiang Kai-shek
13 in addition to the 19th Route of Canton then in active
14 position, the whole strength totaling 6 divisions,
15 threatened to take the offensive. Therefore, in
16 accordance with our prepared plan, two Japanese
17 divisions and adjunct troops required for the area
18 have been dispatched and early this month, with one
19 blow, have irretrievably defeated the main body of
20 the enemy. At present the Japanese forces are assembled
21 in a certain limited area in a state of suspension of
22 hostilities with a view to restoring peace. In per-
23 fect harmony with the fundamental policies of the
24 Imperial Government and in cooperative operations
25 with the Navy, the Japanese Army in due consideration

1 of the situation of the time has succeeded in the
2 attainment of its object, evading the full-scale
3 conflict between Japan and China. The object of
4 sending our troops to the Shanghai area is the
5 protection of the Japanese residents and the preserva-
6 tion of peace in the International Settlement. Con-
7 sequently, so long as China does not menace with a
8 large-scale offensive, the Japanese Army authorities
9 have decided, acting on the intention of the Supreme
10 Command, to withdraw the forces of their own accord.
11 In the middle of this month, the 11th Division and
12 the 24th Mixed Brigade have been given instructions
13 for evacuation and stand-by at home and they are now
14 under transportation. The above-mentioned is the
15 outline of the important military affairs of which
16 I am in charge. In view of the present conditions, at
17 home and abroad, careful examination of the nature
18 and development of the incident shows that it is not
19 only incomparable in its gravity and seriousness with
20 our expedition to Siberia or with the Manchurian
21 Incident, but also it may be said to in its importance
22 even the Russo-Japanese War. It is simply natural
23 that the morale of our soldiers and the nation has
24 been enhanced as a result. It is our earnest desire
25 to safeguard the security of the nation and the peace

1 and welfare of the people by virtue of our loyalty
2 to the country, unselfish devotion and exertion, and
3 our strong unity and thus to see the glorious conclusion
4 The harmonious cooperation of the army and the navy
5 demonstrated during the the latest operations, in
6 the excellence of which the army may well take pride,
7 is unrivalled in history and it should be particularly
8 stated that it is worth our special attention. What
9 with the august virtue of His Majesty and gods' grace,
10 and what with the unrivalled devotion and loyalty of
11 the soldiers, it has been clarified that the army
12 deserves the high regard of the countries of the
13 world and that it can take its resolute stand on the
14 unanimous support of the people. It is a matter of
15 congratulation that the new dawning light of peace
16 is now being noticed in the Orient. Impressed with
17 the growing importance of the responsibilities, the
18 authorities concerned are all determined, in considera-
19 tion of our national structure, to tide over the crises
20 by united efforts, to secure national defense to
21 exalt the Imperial prestige abroad, to extend national
22 virtues at home for the well-being of all the people,
23 to abide by the KODO (The Imperial Way), instead of
24 hereby, to make contribution toward perfect peace of the
25 empire, and to redouble our efforts for the fulfillment

1 of our heavy responsibilities of guarding and main-
2 taining Our Imperial Throne.

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7 THE PRESIDENT: Mr. Speaker,

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15 THE PRESIDENT: Mr. Speaker,

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21 THE PRESIDENT: The objection that the document

22 is irrelevant is overruled and the document is
23 admitted.

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1 I now offer defense document 1825, which is
2 a speech by War Minister ARAKI delivered on March 25,
3 1932, at the 61st Session of the Imperial Diet,
4 wherein ARAKI advocated the establishment of a neutral
5 zone in China and the concluding of a truce agreement
6 despite the opposition of various other members.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,
9 in addition to the objections which I urged against
10 the last document, this document is merely a repetition
11 at somewhat greater length of that part of the last
12 document which dealt with the situation in Shanghai.
13 It was made the day after the speech which has just
14 been read.

15 THE PRESIDENT: Is there anything new in this
16 one, Mr. McManus?

17 MR. McMANUS: It is somewhat repetitious, if
18 the Court pleases, but maybe if I just call it to the
19 Court's attention and have it noted by the Court, I
20 could refrain from reading it.

21 THE PRESIDENT: The objection that the document
22 is repetitious is sustained and the document is
23 rejected.
24

25 MR. McMANUS: I should now like to read from
exhibit 3166. This exhibit contains the emergency

1 policies offered by the accused ARAKI to the Premier
2 upon his resignation from the post of War Minister.

3 The document is offered for the purpose of
4 showing that ARAKI proposed suggestions for Japan to
5 settle any existing difficulties between other powers
6 for the promotion of world peace.

7 In compliance with the wishes or the sug-
8 gestion of Mr. Carr, the prosecutor, I shall not read
9 the first page but will start on page 2, beginning at
10 the fourth paragraph. This is a covering letter with
11 respect to basic suggestions for the emergency, by
12 ARAKI, Sadao.

13 "The present situation of Japan, both inter-
14 nally and externally, may appear in different ways to
15 those who look at it from different angles, but if I
16 may be allowed to tender my own appreciation, I firmly
17 believe that this is not an emergency situation from
18 a mere phraseological point of view, but a truly criti-
19 cal juncture at which the fate of our Empire is solely
20 at stake. Opinions seem to differ among the general
21 public as to whether or not a crisis in Japan will resul
22 but real important affairs of a state are apt to arise
23 without even a day's notice and my humble opinion is
24 that a nation must be ready at all times, morally and
25 materially, to avoid any possible portentous trouble

1 and to secure a basis for her further development.

2 This precaution, I may add, has been necessary through-
3 out all ages.

4 "From this viewpoint, I am not inclined to
5 believe that we can afford to take a rose-coloured view
6 of things. In fact, the potential danger of a nation
7 is often made an actual one when people try to avoid
8 tackling difficult problems and seek to comfort them-
9 selves by taking a light view of matters. Ill-informed
10 though I am, this is how I feel when I trace back the
11 history of the varied fortune of races.

12 "I do not believe it a far-fetched opinion
13 or an intentionally created pessimism if we forecast
14 unseen difficulties in the immediate future of our
15 country. On the contrary, I trust this is the very
16 moment when national unity is most urgently required
17 to bring about the prosperity of the Empire.

18 "To cope with this important situation, I have
19 in fact already expressed my views on various occasions,
20 including that of the Five-Minister Conference. How-
21 ever, as I regard it as a question of vital importance,
22 I take the liberty of making my further suggestion,
23 though it may partially overlap what I said before,
24 under a separate cover, and solicit Your Excellency's
25 valuable consideration over the future of Japan and

1 that you kindly put it into practice.

2 "It has not entirely slipped my notice that
3 some people are filled with misgivings concerning the
4 attitude of the military authorities toward interna-
5 tional problems. To this I may say that our attitude
6 has been consistent and rigid in the past, and will
7 remain so in the future, vis-a-vis those whose ideology
8 and views on national polity are not reconcilable with
9 the character of the national polity of our Empire.
10 However, with my poor knowledge of international rela-
11 tions and also in an endeavour to maintain as close
12 contact as possible with the relative branches of
13 government authorities, I have been exerting what little
14 service I could toward promoting our position among
15 the powers and their confidence in us, explaining to
16 them wherever possible the principle of the foundation
17 of our Empire in connection with the national policies
18 and principles of the present. My intention in doing
19 so has been to seek either implicitly or explicitly
20 for friends among the powers so that the Empire may
21 not be reduced to a state of international isolation.
22 I hope that Your Excellency will render your assistance
23 in realizing closer relations between the foreign
24 and military authorities, with whose cooperation Japan
25 may maintain her present superior position among the

1 international communities, and that her rightful claim
2 may be duly complied with."

3 That is all from that covering letter, if
4 the Tribunal pleases. I should now like to read the
5 basic suggestions.

6 "It is a matter of urgency at present to
7 inspire the people with the moral sense of our Empire
8 and to reveal at home and abroad the essential quali-
9 ties of its culture by means of perfecting its national
10 power based on nation-wide harmony, and moreover, to
11 aim at strengthening the recognition of our national
12 structure and furthering the peace and security of our
13 national life internally, and to expedite the estab-
14 lishment of peace in East Asia and the Pacific exter-
15 nally.

16 "Due to the international crises marking the
17 10th year of Showa (1935) and to the general tendency
18 toward renovation running high among the jurisdictional
19 courts and also among other circles, several unfavour-
20 able social trends are expected to be revealed in the
21 proceedings of trials and in other aspects of social
22 life, especially in public speeches, etc., and these
23 are liable to produce general unrest among the people
24 and among rural communities in particular.

25 "Combined with the disturbance in educational

1 circles and the unrest in the labor field will be
2 aggravated and there is a fear that some, if not all,
3 of the army and navy personnel may be influenced by these
4 unfavourable conditions and be led into restlessness.

5 "The general situation at present seems to
6 be in apparent tranquility, but it is my opinion that
7 it would be impossible for the government to tide over
8 the real difficult situation, both internal and ex-
9 ternal, unless means are devised completely to dispel
10 the prevailing unrest in public feeling.

11 "Now that these tendencies have gathered
12 strength discord and unrest refuse to be driven away
13 by any ordinary or mediocre measures.

14 "I really think the affairs of state of Japan
15 should be a matter of religious service. The fundamen-
16 tal aims should be to enable the people to live in peace
17 and contentment by observing such virtues as due wor-
18 ship of gods, intimacy between the sovereign and his
19 subjects and perfect harmony between the high and the
20 low. Therefore, we should make it our noble cause to
21 act in observance of various virtues peculiar to our
22 Empire and to reject both Communism and Fascism.
23 Government means adjustment of tendencies as well; a
24 tendency should be adjusted after it is taken into
25 consideration, and then directed so that it may take a

1. proper course. Natural tendencies do not always take
2. reasonable courses but sometimes go astray; therefore
3. those in a position to govern must devote themselves to
4. assisting in the Emperor's rule, in conformity with
5. nature and by transcending reason, so as to bring about
6. the development of our national power and let the people
7. live a peaceful life. This is the true way to govern.

8. "Since these tendencies have already gathered
9. strength and the crisis of our country is impending,
10. we must, acting upon the fundamental principle mentioned
11. above, be prompt in judging where this trend will lead
12. us to. We must sacrifice ourselves in order to render
13. allegiance and assistance to the Emperor in compliance
14. with the source of our government which aims at worship
15. of gods, intimacy between the sovereign and his subjects
16. and perfect harmony between the high and the low. Since
17. appeal to His Majesty's benevolence and then to trans-
18. gress His Imperial virtues, would constitute an act
19. certainly deserving our inevitable death, we must pe-
20. tition His Majesty to grant amnesty to our brethren
21. for their past crimes. Thus we may purify this bewil-
22. dered phase of life and drive the offenders to devote
23. themselves to a new way of living in expiation of their
24. sin. Hereby we can effect a complete change of public
25. feeling, and furthermore, without scruple, we must

1 carry out a large-scale reform in diverse fields of
2 government. For this purpose we shall have to request
3 the Imperial decision so that the people may be informed
4 on the boundless august plan, and shall have to adjust
5 this tendency which is apt to be distorted, on this
6 the eve of the national crisis and thereby consolidate
7 the basis of our Empire which is destined to be over-
8 lasting and noble. Thus establishing the basis of
9 development of our national power, we must thoroughly
10 discharge at this juncture, our great duty of being
11 of assistance to the Imperial Throne.

12 "According to the purport stated above, I
13 hereby suggest the following policy."

14 THE PRESIDENT: Mr. McManus, what help are
15 we to get from these vague generalities? Can you
16 suggest what help we can get?

17 MR. McMANUS: If the Court pleases, I think
18 your Honor could understand how ARAKI at the time was
19 trying to promote peace, trying to straighten the
20 situation out between Japan and other countries.

21 THE PRESIDENT: Look over this during the
22 luncheon adjournment; perhaps you will decide not to
23 read any more. We will adjourn until half-past one.

24 (Whereupon, at 1200, a recess was
25 taken.)

- - -

1 AFTERNOON SESSION

2 The Tribunal met, pursuant to recess, at 1330.

3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.
5

6 THE PRESIDENT: Mr. McManus.

7 MR. McMANUS: I shall follow your Honor's
8 suggestion, and I shall just read another two short
9 paragraphs from exhibit 3166. I invite your Honor's
10 attention to page 7:
11

12 "B. International Policies

13 "By judging the international situation, we
14 shall determine our policies towards the political
15 situation in the world, among which especially those
16 towards Soviet Russia, U.S.A. and China are ranking.
17 For this purpose the following must be decided upon,
18 while preparations must be made for the invitation, at
19 a suitable opportunity, of a Peace Conference among
20 powers to establish a basis for peace in East Asia
21 and the Pacific.22 "a. Our policy towards Soviet Russia mainly
23 in respect of the international relations in thought.24 "b. Our policies towards China, U.S.A. and
25 the League of Nations mainly in respect to the Man-
churian Problems.

1 "c. Our policies towards Great Britain and
2 U.S.A. mainly in respect to the London Disarmament
3 Conference.

4 "d. Our policies towards Great Britain,
5 U.S.A. and China mainly in respect of the international
6 economic relation."

7 I now would like to present, with the Court's
8 approval, my co-counsel, Mr. SUGAWARA, who will call
9 a witness.

10 THE PRESIDENT: Mr. SUGAWARA.

11 MR. SUGAWARA: I shall call as my next
12 witness MASAKI Jinsaburo. His affidavit is No. 1162.

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1 J I N S A B U R O M A S A K I, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY L.R. SUGAWARA:

7 Q Mr. Witness, please state your full name.

8 A MASAKI Jinsaburo.

9 Q And your address.

10 A My address is No. 168 Setagaya, 1 Chome,
11 Setagaya-ku, Tokyo. A slight correction, however, is
12 necessary in that when I prepared my affidavit, I was
13 not yet at home. This affidavit was prepared and
14 signed at the International Military Tribunal for
15 the Far East at Ichigaya.

16 Q I shall now show you your affidavit. Will
17 you please examine it and see if your signature is
18 there and whether it is your affidavit?

19 (Whereupon, a document was handed
20 to the witness.)

21 A This is my affidavit, and I have signed it.

22 Q Are there any corrections to be made in this
23 affidavit? If so, please state them.

24 A There are none.

25 Q Please state the reason why the address

1 written -- the correction of the address written in
2 that affidavit should be made.

3 A The change of address took place because up
4 to 11:00 a.m. on the 30th of August, I was held at
5 Sugamo Prison.

6 Q Are there any other corrections to be made?

7 A There are none.

8 MR. SUGAWARA: I shall now present defense
9 document No. 1162 in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1162
12 will receive exhibit No. 3168.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 3168 and received in evidence.)

16 MR. SUGAWARA: I shall start to read:

17 "My name is Jinsaburo MASAKI. I was former-
18 ly a General of the Imperial Japanese Army.

19 "I was the Vice-Chief of the General Staff
20 from January 1932 to June 19th, 1933, a War Council-
21 lor for a short while; the Inspector-General of train-
22 ing from January 1934 to July 16th, 1935; a War
23 Councillor again and was then transferred to the first
24 reserve in March 1936.

25 "When I became the Vice-Chief of the General

1 Staff, the Chief of the General Staff was H.R.H. the
2 Prince KAN-IN and the War Minister was Lieutenant-
3 General ARAKI Sadao.

4 "When I assumed this post War Minister ARAKI
5 explained to me the internal and external situations
6 of Japan which existed at that time, the gist of which,
7 as far as I remember, was as follows.

8 "'The state of affairs of our country, both
9 internal and external is quite alarming. There have
10 already been many internal incidents and our relation
11 with the League of Nations is far from being satis-
12 factory.

13 "'As for Manchuria in spite of the non-
14 expansion policy of the former cabinet, the situation
15 has simply become more aggravated.

16 "'As there is every danger that it will
17 develop into a regular war, we must leave no stone un-
18 turned in immediate saving of this complicated situ-
19 ation. When I (ARAKI) was appointed Minister of War
20 the Chinchou district was in a critical condition.
21 Unless we saved it, our residents and troops would be
22 endangered. The diplomatic negotiations were at a
23 standstill; the situation was aggravated, and the
24 Kwantung Army was in a difficulty. The Government,
25 therefore, was obliged to decide to liquidate that

district for self-defence and protection of the residents. The General Staff Office ordered the Kwantung Army to that effect. The liquidation campaign has just finished. I think there will be no need of further operations unless our Army is challenged. At any rate we will try to cease hostilities within the smallest possible scope. The Government is on principle dealing with Chang Hsueh-liang who is still disturbing peace and order. Therefore our scope of operation is limited under any condition within his sphere of influence. Bearing this in mind, please control the Army strictly.'

"At my appointment, my predecessor told me almost the same thing.

"At the time when I assumed the post as the Vice-Chief of the General Staff, I met Premier INUKAI. While he has explained chiefly our political difficulties that Japan was experiencing at that time, he also made some remarks on the situation which was more or less similar to that of War Minister ARAKI. The Premier did not in any way suggest that he had any intention of petitioning to the Throne for an Imperial Order, by virtue of which to withdraw all the troops from Manchuria, nor did I ever hear from anyone that Premier INUKAI had any such intention.

1 "I reported to H.R.H. the Prince KAN-IN,
2 Chief of General Staff, what I had heard from the
3 Premier and the War Minister respectively, and with
4 his approval, I managed and conducted the matters in
5 accordance with the Government's policies shown to me
6 by War Minister ARAKI. While I was doing so, it was
7 suddenly decided by the Ministry that troops be dis-
8 patched immediately to Shanghai which were requested
9 by navy authorities for the purpose of reinforcing the
10 navy and to protect Japanese nationals there.

11 "Bearing in mind what I had heard from the
12 War Minister I took every precaution to observe his
13 principle so that the dispatched troops would not ex-
14 ceed the scope of their primary object. Divisional
15 Commander UEDA (T.N. - Commander of the dispatched
16 troops) also followed closely this principle and
17 endeavoured to settle the situation without resorting
18 to means of bloodshed. I remember he first made a
19 proclamation requesting reconsideration by the opponent
20 over their action. However, contrary to his expec-
21 tation, the opponent increased their preparation for
22 fighting and added difficulties. In fact, there were
23 signs that an over-all clash between Chinese and Japa-
24 nese was inevitable.

25 "Under these circumstances, further

1 reinforcement was decided from the point of view of
2 strategic importance with the purpose of solving the
3 situation quickly. When the vanguard of the second
4 reinforcement made their landing at Chiilaikou along
5 the Yangtzekiang the 19 Route Army began to retreat,
6 and as it was driven beyond the expected line, attack
7 was ceased. Thus hostilities ended in three days,
8 with almost negligible casualties.

9 "In due course, an agreement was signed to
10 ensure the future safety.

1 "This agreement provided Japan the right of
2 stationing certain part of her troops there, but in
3 view of War Minister ARAKI's principle, which was
4 completely identical to ours, we decided to evacuate
5 all the troops from China and I think the complete
6 withdrawal was made within a month of signing the agree-
7 ment, the Jehol and Hulunpeirh campaigns and the task
8 of the Kwantung Army through the provisions of the
9 Japan-Manchoukuo Protocol and because of constant
10 disturbances of law and order in and around Jehol chiefly
11 by Tang Yulian and in Hulunbierh chiefly by Su Ping-wen,
12 it became necessary for the Japanese and Manchoukuo forces
13 to resort to military action based on the provisions of
14 the Protocol. It took place after the formal recognition
15 of the State of Manchoukuo, and as the precaution was
16 taken throughout the campaign not to divert from the
17 primary principle of bringing about law and order the
18 operation called for extreme difficulties; nevertheless,
19 as to Hulunpeirh our object was achieved through good
20 offices of the Soviet Union and as to Jehol efforts were
21 made to limit the action within the line of the Great
22 Wall and observance of this fundamental policy was sternly
23 requested to the troops in the front at the risk of
24 suffering considerable operational inconveniences.
25 There was an occasion when the troops advanced beyond

1 this limit, but they were immediately ordered to
2 return and further action was stopped at that. Then
3 the hostilities were finally settled by the conclusion
4 of the Tangku Agreement.

5 "I believe that War Minister ARAKI was one
6 of the persons who were most seriously worried about
7 the Manchurian Incident. Because of this worry, he had
8 made a firm determination to settle it, which finally
9 led to the Tangku Agreement. No sooner had the Agree-
10 ment been signed than he strove to settle the overall
11 situation of Japan by adjusting foreign as well as
12 domestic affairs.

13 "He often told me in those days that he was
14 devoting his effort toward letting the people live up
15 to the original teachings of Japan, enhancing by so
16 doing the virtue of benevolence of His Majesty the
17 Emperor among the people, and externally, toward im-
18 proving aggravated international relations by realizing
19 the already advocated International Peace Conference.

20 "The natives' wishes for the Independence of
21 Manchoukuo were ardent, when I was appointed the Vice-
22 Chief of the General Staff. The General Staff did not
23 on principle interfere with it as it was a political
24 problem. Minister of War ARAKI assumed the most
25 prudent attitude toward it. He was in accordance with

1 the decision of the Government based on the opinion of
2 the Foreign Office and the real situation. During this
3 time the General Staff was devoting itself to security
4 of peace and order there.

5 "The opinion of War Minister ARAKI toward the
6 League of Nations was quite clear. He fully explained
7 his opinion at the cabinet meeting and induced the
8 meeting to the decision that Japan would not withdraw
9 from the League.

10 "I was under the impression that the War Minister
11 had been prepared with an opinion with which he hoped
12 to persuade the League of Nations. It also seemed to me
13 that the War Minister had had a firm belief of getting
14 the complete understanding of powers over Japan's
15 position if once restoration of law and order in Man-
16 churia were attained which he thought above everything
17 else.

18 "War Minister ARAKI stressed importance on
19 quality than on quantity of troops from the viewpoint
20 of armament. He endeavoured to recover the armament
21 which had fallen behind since World War I up to that of
22 other Powers at the time of the War. He had his own
23 ideal on national defense, which was all based on
24 morality. He was particularly concerned in promoting
25 the character and moral standard of the commissioned

officers.

1 "War Minister ARAKI also exerted to calm the
2 mind of young officers who, indignant at the current
3 situation, had already caused considerable troubles.
4 He did his best to develop the immaculate spirit of
5 those officers without being distorted so that they may
6 devote their unshattered attention to their duty. While
7 devoting his whole-hearted attention for this purpose,
8 he also let his subordinates spare no time in teaching
9 and guiding the younger officers, and so they began to
10 show the sign of composure in due course, and at the
11 occasion of May 15th Incident, it turned out that no
12 army commissioned officer participated in it."

13 Prosecution may examine this witness, because
14 I have no further additional questions to ask.

15 THE PRESIDENT: Mr. Comyns Carr.

16 CROSS-EXAMINATION

17 BY MR. COMYNS CARR:

18 Q I have a few questions, General.

19 On page 3 of the affidavit you say "The natives'
20 wishes for the Independence of Manchoukuo were ardent,"
21 that the General Staff didn't interfere with it, and
22 "ARAKI assumed the most prudent attitude toward it."
23

24 Do you remember being interrogated while you
25 were in Sugamo?

A No, I do not.

1 Q Did you say the following: "I had something
2 to do with setting up Manchuria as an Independent State"?

3 A Well, when you suggest something like that
4 to me I do recall an interrogation, but the meaning
5 is entirely contrary.

6 Q Did you say "there was an opinion in the Army
7 to take over Manchuria entirely" --

8 A No, I did not say such a thing at all.

9 Q --"but I thought that would never clear up
10 the mess, so I offered an advice to the Emperor to set
11 up an Independent State and also offered the same advice
12 to Premier SAITO at that time"?

13 A Well, let me explain the circumstances and the
14 facts this way: When I went to Manchuria I found
15 Japanese officials holding positions in all quarters.
16 Under such a state of affairs, it would appear as if
17 Japan had occupied Manchuria, and, therefore, I stated
18 emphatically that under such a situation Manchuria could
19 not be properly governed and administered, and that if
20 Manchuria was to be properly governed and if Manchuria
21 was to enjoy real stability, then the administration of
22 Manchuria must be left entirely and in Manchurian hands.

23 Q Did you say "I felt any occupation of Manchuria
24 by Japan was a violation of the Nine-Power Treaty"?
25

1 A With regard to treaties, I am a complete lay-
2 man, but from a layman's intuition I felt that that
3 would be a violation.

4 Q Now, with regard to Shanghai as to which you
5 have given evidence, did you say this when you were
6 being interrogated: "Whilst I was Vice-Chief of Staff,
7 I went to receive the Emperor's permission on different
8 matters and especially recalled that I went to get this
9 permission at the time we sent the 14th Division to
10 Shanghai"?

11 A What did you mean by that question?

12 Q Did you say that when you were interrogated?

13 A I am quite old and I have already forgotten.
14 Unless you give me a few more details I won't be able
15 to explain.

16 Q I will read on. Did you go on to say "When I
17 went the Emperor first said that he could see no reason
18 for sending them"?

19 A He did not say that he saw no reason. But,
20 the Emperor did make the statement to the effect that
21 "would it be all right, was it necessary to send more
22 troops?"

23 THE MONITOR: He made inquiry to that effect.

24 Q Did you say that the Emperor told you that he
25 felt that with the situation coming back to normal in

1 Shanghai --

2 MR. SUGAWARA: I object to the last question,
3 your Honor. I see no relevancy when it involves the
4 Emperor.

5 THE PRESIDENT: The objection is emphatically
6 overruled.

1 Q Did you say that the Emperor felt that with
2 the situation coming back to normal in Shanghai it
3 was not necessary to send the division there?

4 A Not so.

5 Q Do not you know that before even the naval
6 party was landed in Shanghai the Chinese Mayor had
7 accepted the whole of the terms demanded by the Jap-
8 anese Consul General?

9 A That I do not know.

10 Q Did you say, "I told the Emperor that they were
11 already on the move and if they were not to be used in
12 Shanghai we definitely needed them in Manchuria," and he
13 finally reluctantly agreed?

14 A That wasn't the case. There was a war going
15 on in Shanghai and it was doubted by us whether troops
16 were needed there or not, and so we took every possible
17 precaution. But half the troops were on the high seas
18 and half of them were on the train -- on the move, and
19 we couldn't stop them, and so it was carried out on the
20 plan that if they went to Shanghai and they were not
21 needed in effecting the settlement, then they would be
22 transferred to Manchuria, where they were lacking in
23 troops.
24

25 Q Did you say that troops were sent three times
to Shanghai?

1 A I don't know whether I said that or not, but
2 it is a fact that they were sent there three times.

3 Q Did you say that matters like the sovereignty
4 of China or the treaties guaranteeing it did not enter
5 into your heads at that time?

6 A No. As a matter of fact, the troops of the
7 various powers were stationed in North China and
8 Shanghai, and at that time ideas pertaining to sovereign-
9 ty were rather superficial, and therefore we hardly
10 thought about it.

11 Q Well, then, the answer should have been yes,
12 shouldn't it?

13 A Was the question to the effect that -- Was the
14 question whether or not we thought of sovereignty?

15 Q Sovereignty or treaties.

16 A We didn't think about it deeply.

17 Q When you said it never entered into your heads,
18 in the plural, whose head were you thinking of besides
19 your own?
20

21 A I am not referring to anybody in particular,
22 because in so far as the diplomatic affairs were con-
23 cerned, I was following the direction as laid down by
24 the government -- by the diplomatic authorities of the
25 government.

 Q Didn't you mean ARAKI's head?

1 A No, ARAKI wouldn't be included in this
2 category because ARAKI of all persons placed extremely
3 great emphasis and importance on international treaties.

4 Q Did he tell you that this was a breach of them?

5 A He did not.

6 Q And he agreed to do it, did he not?

7 A I think with regard to the dispatch of forces
8 he agreed, because it was a cabinet decision.

9 Q Now, on page 3 of your affidavit, in the
10 middle, you say the opinion of War Minister ARAKI
11 toward the League of Nations was quite clear, that he
12 fully explained his opinion at the cabinet meeting and
13 induced the meeting to the decision that Japan would
14 not withdraw from the League.

15 Were you present at that cabinet meeting?

16 A I was not present at the meeting, but what I
17 have stated there and elsewhere in the affidavit is
18 great emphasis and importance on international treaties.
19 what I have frequently and constantly heard from ARAKI
20 himself.

21 Q Don't you know the truth is that he expressed
22 the exact opposite opinion at the cabinet meeting?

23 A That I don't know. I placed my implicit trust
24 in what ARAKI told me. I don't know for myself what
25 took place in the cabinet meeting.

MR. COMYNS CARR: No further questions.

fully explained his opinion at the cabinet meeting and
induced the meeting to the decision that Japan would

1. MR. SUGAWARA: There will be no redirect
2 examination. May the witness be excused?

3 THE PRESIDENT: He is excused on the usual
4 terms.

5 (Whereupon, the witness was excused.)

6 MR. SUGAWARA: Mr. McManus will continue to
7 present evidence.

8 THE PRESIDENT: Mr. McManus.

9 MR. McMANUS: I now request that defense docu-
10 ment 1934 be received into evidence. This is War Min-
11 ister ARAKI's statement to the 62nd Session of the Diet,
12 made on June 3, 1932, concerning the uneasiness of resi-
13 dents of China because of the withdrawal of the Japanese
14 troops, but which was done nevertheless because of a
15 desire for peace and fulfillment of treaty obligations.
16 This document is also tendered for the purpose of showing
17 that the War Minister deplored the participation of
18 eleven army cadets in the May 15 Incident.

19 THE PRESIDENT: Mr. Comyns Carr.
20

21 MR. COMYNS CARR: If your Honor pleases, in
22 our submission, this document is substantially repeti-
23 tive and self-serving, and for both the reasons argued
24 before, the prosecution objects to it.

25 THE PRESIDENT: Is there anything new in it,
Mr. McManus?

1 MR. McMANUS: Nothing other than what I just
2 stated, if the Court pleases.

3 THE PRESIDENT: It appears to be repetitive.

4 By a majority the Tribunal sustains the objec-
5 tion and rejects the document as being repetitive.

6 MR. McMANUS: I now invite the Tribunal's
7 attention to exhibit 2177 and request that I be per-
8 mitted to read one question and one answer on page 22
9 from this document. This document contains the minutes
10 of the third trial of OKAWA Shumei. I shall now read
11 the question on page 22:

12 "Question to OKAWA:

13 "Were General MASAKI and General ARAKI involved
14 in the March Incident or the October Incident?

15 "Answer: No."

16 I now tender defense document 1869, which
17 is a stenographic record of the House of Representatives,
18 62nd Session of the Diet, and tender same for the pur-
19 pose of showing that it was the decision of the entire
20 Diet and not that of ARAKI alone to recognize Manchoukuo
21 as an independent state. This session of the Diet was
22 held on June 15, 1932.
23
24
25

THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: May it please the Tribunal,
2 this is a speech in the Diet by an individual named
3 KODAMA whom I do not think we have heard of before.
4 In my submission it is entirely irrelevant to con-
5 sider whether the Diet did or did not agree with the
6 policy of the government. The persons charged here
7 are those in the dock, and the question is whether
8 they are responsible for it.

9 If my friend desires it, I have no objection
10 to admitting that the Diet did pass a resolution on
11 15 June 1932 that the government should recognize
12 Manchukuo, but the speech of Mr. KODAMA, in my sub-
13 mission, is a mere waste of time.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: Yes, your Honor. I wanted to
16 show that ARAKI did not take any initiative, that it
17 was the decision of the Diet.

18 I think Mr. Carr's concession will suffice.

19 THE PRESIDENT: You may withdraw the document.

20 MR. McMANUS: Yes, I do so withdraw it.

21 I now tender defense document 2011 which is a
22 record of the proceedings of the House of Peers of
23 August 26, 1932. It is an address of State Minister
24 Count UCHIDA and is tendered to show that it was the
25

1 will of all the statesmen of Japan to recognize Man-
2 churian independence and not that of ARAKI alone. It
3 is also offered for the purpose of disclosing the then
4 future intentions of Japan toward Manchuria as an
5 independent state and the explanations for such
6 recognition.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: If it please the Tribunal,
9 the prosecution objects to this speech by a person who
10 is not charged. In my submission it cannot help ARAKI
11 to show that if this be a crime he had partners in
12 crime other than those in the dock.

13 THE PRESIDENT: Mr. McManus. 28,474

14 MR. McMANUS: I have nothing further to add,
15 your Honor, except just to submit the document for the
16 Court's decision.

17 THE PRESIDENT: The objection is sustained
18 and the document rejected.

19 MR. McMANUS: I now offer defense document
20 1822, which is a stenographic record of the 64th Session
21 of the Diet held on March 18, 1933, wherein ARAKI made
22 a report on the activities of the army concerning the
23 Jehol Province and wherein he emphatically stated the
24 nature of these activities was for the purpose of sub-
25 jugating the bandits under the Japan-Manchukuo Protocol

1 wherein he expressly reiterated his desire for a
2 peaceful settlement of the difficulties and a per-
3 manent peace for the Orient.

4 THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYNS CARR: May it please the Tribunal,
6 the prosecution has no strong objection to this par-
7 ticular document, although I cannot recognize my
8 friend's description of it as being accurate, but in
9 our submission it adds nothing and is a waste of time.

10 MR. McMANUS: If your Honor pleases, I sug-
11 gest that your Honor receive it into evidence and
12 your Honors determine whether or not it is important.

13 THE PRESIDENT: Does it add anything to the
14 attitude of the accused, ARAKI, as stated by him in
15 earlier speeches? Is it not repetitive, really?

16 MR. McMANUS: He states several emphatic
17 points here which do contain some new matter, if the
18 Court pleases.

19 THE PRESIDENT: There may be some additions
20 in matters of detail but the general attitude as stated
21 here is as it was stated earlier. The details are
22 not material in this particular matter.

23 The Court sustains the objection and rejects
24 the document as being repetitive.

25 MR. McMANUS: At this time I should like to

1 call the witness OMORI

2
3 S O G E N O M O R I, called as a witness in be-
4 half of the defense, being first duly sworn,
5 testified through Japanese interpreters as
6 follows:

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: This affidavit is, in our
9 submission, so irrelevant that I would like to make
10 my objection to it before time is taken up by asking
11 the witness questions about it.

12 THE PRESIDENT: Better let it be tendered in
13 the usual way, Mr. Carr.

14 MR. COMYNS CARR: If your Honor pleases.

15 DIRECT EXAMINATION

16 BY MR. McMANUS:

17 Q Would you state your name, please?

18 A My name is OMORI, Sogen. My address is
19 Tojo-In, Toji-In Kitamachi, Kamikyo-Ku, Kyoto.

20 MR. McMANUS: May the witness be shown de-
21 fense document 1959?

22 Q Mr. OMORI, is this your affidavit?

23 A Yes.

24 Q And are the facts therein true and correct?

25 A Yes, true and correct.

1 MR. McMANUS: I now tender defense document
2 1959, if the Court pleases.

3 MR. COMYNS CARR: If it please the Tribunal,
4 the sole subject of this affidavit is that the witness,
5 who is a priest, says that he was invited to take part
6 in a plot to assassinate ARAKI by some political
7 opponents of his, and that he refused to do so.

8 THE PRESIDENT: How could that be relevant,
9 if that is a fair statement of the contents?

10 MR. McMANUS: If your Honor pleases, ARAKI
11 is charged with being an aggressor, of promoting into
12 the minds of young officers ideas of aggression, and
13 promoting world domination. I claim, if your Honor
14 pleases, that this will show that he followed a middle-
15 of-the-road attitude and he was not an aggressor at
16 all, even to such --

17 THE PRESIDENT: In other words, this witness'
18 opinion is that ARAKI is not an aggressor. He in
19 effect swears the issue for us, and we solemnly listen
20 to him.

21 MR. McMANUS: Your Honor, this witness does
22 not give his opinion. He states a set of facts from
23 which your Honor can draw your conclusions.

24 THE PRESIDENT: The only conclusion that we
25 are invited to draw is that this witness does not think

1 ARAKI was an aggressor, and therefore would not take
2 part in his assassination. I have not read the whole
3 of the affidavit, but I am taking it that Mr. Carr's
4 statement, which, is not contradicted, is correct.

5 MR. McMANUS: If the Tribunal pleases, I call
6 your earnest attention to page 2, paragraph 2. There
7 is a clear expression of facts there.

8 THE PRESIDENT: By a majority, on my casting
9 vote, the objection is upheld and the document re-
10 jected.

11 MARSHAL OF THE COURT: Is it desired, Mr.
12 President, that the witness be discharged?

13 THE PRESIDENT: Did you apply to have him
14 discharged?

15 MR. McMANUS: I so apply, if the Court
16 pleases.

17 THE PRESIDENT: He is discharged on the
18 usual terms.

19 (Whereupon, the witness was excused.)

20 MR. McMANUS: I now request that the witness
21 TODOROKI be called, please.

22 THE PRESIDENT: What is the number of this
23 document?

24 MR. McMANUS: 2519.
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1 S A K A E T O D O R O K I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A TODOROKI, Sakae.

MR. McMANUS: May the witness be shown de-
fense document 2519, please.(Whereupon, a document was handed
to the witness.)Q Would you tell this Tribunal whether or not
that is your affidavit.

A This is my affidavit.

Q Are the facts contained therein true and
correct?

A Yes.

MR. McMANUS: I now tender document 2519,
if the Tribunal pleases.MR. COMYNS CARR: If the Tribunal please,
the prosecution objects to this affidavit in toto.
The witness was a newspaper reporter, and the affi-
davit consists partly of evidence as to ARAKI's
general character, partly of the witness' and other

1 persons' opinions about a considerable number of
2 matters, and partly of newspaper gossip of a general
3 kind. So far as it contains any facts, they are re-
4 petitive.

5 As to that part of it which consists of a
6 testimonial to the character of the accused ARAKI,
7 in our submission, before a Tribunal such as this
8 and at this stage of the proceedings, such evidence
9 is useless and should be rejected.

10 THE PRESIDENT: This matter came up in
11 Chambers, and I pointed out to Major Furness, I
12 think, what the position would be in a British court.
13 Technically, you can receive evidence of general
14 character on the question of guilt or innocence, but
15 I have never known it to be done. But, no doubt,
16 it has been done at times, and it is an open ques-
17 tion as to whether we should receive character evi-
18 dence here, but I do understand the majority are
19 opposed to it. I may be wrong.

20 Yes.

21 MR. COMYNS CARR: Your Honor, with regard
22 to that point, might I add that, in my experience,
23 when it is received at all, it is confined to the
24 single question: What is the reputation of the
25 accused amongst his neighbors? This, and particu-

1 larly some other affidavits of the same kind which
2 are on the list go into a great deal of detail.

3 MR. McMANUS: If the Tribunal please, I
4 was aware of your Honor's ruling concerning -- your
5 Honor's views concerning the acceptance of character
6 testimony. However, it was just an impossible task
7 to take the particular phrases out of these affidav-
8 its. Some reference is made to his character, but
9 it is not the crux of the affidavit, if the Court
10 please.

11 THE PRESIDENT: By a majority, the objection
12 is sustained and the whole document rejected.

13 (Whereupon, the witness was ex-
14 cused.)

15 MR. McMANUS: At this time, if the Court
16 please, I should like to call the witness NAKAMURA.

17 THE PRESIDENT: What is the number of that
18 document, Mr. McManus?

19 MR. McMANUS: 2132.
20

21 - - -
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1 K A Z U N A K A M U R A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A NAKAMURA, Kazu.

MR. McMANUS: May the witness be shown de-
fense document 2132?(Whereupon, a document was handed
to the witness.)Q Will you tell this Tribunal whether or not
this is your affidavit.

A Yes, it is.

Q Are the facts contained therein true and
correct?

A Yes, it is correct.

MR. McMANUS: I tender document 2132, if
the Tribunal pleases.MR. COMYNS CARR: Prosecution objects to
this affidavit as a whole on grounds similar to the
last. It consists of the opinion of the witness and
the alleged opinion of a number of other persons as
to ARAKI's character and other topics; and, so far

1 as it contains any matter of fact at all, it relates
2 primarily to the activities of the witness, himself,
3 and a person named MATSUKATA and hardly at all to
4 anything done by ARAKI. There is one passage in
5 which the witness deposes to the correctness of a
6 report of a speech made by ARAKI. As to that --
7 two speeches -- we shall object on the ground of
8 irrelevancy, but we should not challenge their
9 authenticity.

10 MR. McMANUS: If your Honor pleases, this
11 is a very important document in my opinion. It goes
12 to show that this witness conducted a summer school,
13 and he requested General ARAKI on sev. 1 occasions
14 to make speeches. He heard the speeches; he knows
15 about them; he can tell you whether or not -- the
16 reason why he invited him there and whether or not
17 he inculcated into the minds of people ideas of
18 aggression.

19 THE PRESIDENT: This may be an excellent
20 character witness in a certain event. A majority
21 sustains the objection and rejects the document.
22 We will recess for fifteen minutes.
23

24 (Whereupon, at 1445, a recess was
25 taken until 1500, after which the proceed-
ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. McMANUS: I believe your Honor has rejected
4 the affidavit of the witness in the box now so I shall
5 request that he be excused on the usual terms.

6 THE PRESIDENT: He is excused accordingly.

7 (Whereupon, the witness was excused.)

8 MR. McMANUS: I now request that the witness
9 ARITA be called, whose affidavit is document No. 1956.

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1 H A C H I R O A R I T A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. McMANUS:

6 Q Will you state your full name, please?

7 A ARITA, Hachiro.

8 MR. McMANUS: May the witness be shown defense
9 document No. 1956?

10 Q Will you tell this Tribunal whether or not
11 that is your affidavit?

12 A This is my affidavit.

13 Q Are the facts therein true and correct?

14 A Yes.

15 MR. McMANUS: I tender document No. 1956.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No. 1956
18 will receive exhibit No. 3169.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 3169 and received in evidence.)

22 MR. McMANUS: I shall proceed to read exhibit
23 3169:
24

25 "Having first duly sworn an oath as on attached
sheet and in accordance with the procedure followed in

1 my country I hereby depose as follows.

2 "AFFIDAVIT

3 "ARITA, Hachiro.

4 "1. My career: Vice-Minister of Foreign
5 Affairs to the SAITO cabinet. Minister of Foreign
6 Affairs to the first KONOE cabinet. Minister of
7 Foreign Affairs to the HIRANUMA cabinet. Minister
8 of Foreign Affairs to the YONAI cabinet.

9 "2. Relations to Mr. ARAKI: During the
10 time of the SAITO cabinet when Mr. ARAKI was Minister
11 of War, I was Vice-Minister of Foreign Affairs and at
12 the time of both the first KONOE cabinet and the
13 HIRANUMA cabinet I was a cabinet minister with
14 Mr. ARAKI who took the office of the Minister of
15 Education. During the YONAI cabinet Mr. ARAKI was
16 Cabinet Councillor, and I was Minister of Foreign
17 Affairs. After that both of us did not take any pub-
18 lic office, but we met often at private parties.

19 "3. Five Ministers' Conference and Mr. ARAKI:

20 "It was in the later period of the cabinet
21 that I took the office of Minister of Foreign Affairs
22 to the first KONOE cabinet.

23 "This cabinet held Five Ministers' Conferences,
24 consisting of Prime, War, Naval, Foreign and Financial
25 Ministers, for the purpose of debating on the important

1 affairs of the situation; for instance, the problem
2 of a reenforcement of the Anti-Comintern Agreement
3 Pact (or the so-called Tripartite Alliance) was dis-
4 cussed at one of these conferences. But Mr. ARAKI
5 of course did not attend the Five Ministers' Confer-
6 ences because he was Minister of Education.

7 "4. Mr. ARAKI occupied the office of the
8 chairman of the committee of the General Spiritual
9 Mobilization, because his official position of Minister
10 of Education was closely connected with the national
11 spiritual field, and so far as I remember he was
12 appointed in the same way as ex officio.

13 "5. Mr. ARAKI and Japan-German Cultural
14 Agreement: Japan had entered into a cultural agree-
15 ment with Germany and Italy, and this kind of agree-
16 ment was intended to be concluded but with as many
17 other countries as possible. Therefore Japan entered
18 into a cultural agreement with Hungary, Brazil and
19 Siam besides the above-mentioned countries.

20 "Although there was not an existing agree-
21 ment, Japan carried out the various culture exchanges
22 with Poland, Portugal, Argentine and Belgium.

23 "As for the United States of America, Japan
24 held an old Japanese fine arts exhibition in the Inter-
25 national Exhibition at San Francisco. As these

1 agreements were cultural problems aiming at culture
2 exchange in the world, as to the conclusion of an
3 agreement and its enforcement the Foreign Office
4 always conferred with the Ministry of Education.
5 The business mainly consists of exhibition of fine
6 arts and industrial arts and exchange of students
7 and professors.

8 "Mr. ARAKI, Minister of Education, insisted
9 on an exchange of culture of the wide world, empha-
10 sizing that it should not be limited to Germany and
11 Italy alone and the Foreign Office had the same
12 opinion with him.

13 "6. Mr. ARAKI and the Tripartite Alliance:

14 "I heard many times at several private meet-
15 ings that Mr. ARAKI had disagreed to the Tripartite
16 Alliance and various kinds of control.

17 "At the resignation of the HIRANUMA cabinet
18 due to Tripartite Alliance issue, Mr. ARAKI was con-
19 sidered one of the most agreeable successors to the
20 head of the following cabinet, together with General
21 ABE, Nobuyuki and Mr. IKEDA, Seihin. One of the
22 principal reasons that Mr. ARAKI was pointed out as
23 prospective successor was that he had such an opinion
24 regarding the Tripartite Alliance as I stated above.
25

"On this 22 day of March 1947 at Tokyo.

"Deponent ARITA, Hachiro."

THE PRESIDENT: Mr. Comyns Carr.

CROSS-EXAMINATION

BY MR. COMYNS CARR:

Q Mr. ARITA, you say that various matters were brought before Five Ministers' Conferences which Mr. ARAKI as Education Minister did not attend. Was it not necessary for the decisions at all of those Five Ministers' Conferences to be brought before the cabinet for their approval before they could be put into effect?

A Of course, to carry into effect or to give effect to any decisions of the Five Ministers' Conference they would have to be weighed by the entire cabinet.

Q And were not the facts as to the negotiations with Germany and Italy in 1938 and 1939, in fact, well known to other cabinet ministers including ARAKI as well as to the five ministers?

A I have stated in my affidavit that Mr. ARAKI was not a member of the Five Ministers' Conference.

Q Do you think that is an answer to my question?

A I have only replied to part of the question. If members of the cabinet other than those

1 who were members of the Five Ministers' Conference
2 were aware or familiar with the discussions held at
3 the Five Ministers' Conference then that particular
4 minister could not have heard that officially. He
5 could only have heard of it informally through some
6 other member or some other person familiar with the
7 discussions.

8 Q In the last paragraph of your affidavit
9 you say that after the resignation of the HIRANUMA
10 cabinet Mr. ARAKI was thought of as a possible successor
11 because he was known to be opposed to the negotiations
12 for the Tripartite Alliance. How could that be if
13 he did not know all about those negotiations?

14 A I do not think ARAKI was familiar with all
15 the details discussed at the Five Ministers' Confer-
16 ence. However, with regard to the proposed Tri-
17 partite Alliance, the subject was not only discussed
18 at the Five Ministers' Conference but was widely dis-
19 cussed in public at the time, whether that Tripartite
20 Alliance should be approved or not -- was good or not.

21 Q But was it not also discussed in the cabinet?

22 A Not once was there an official discussion
23 of this subject at the cabinet meeting.

24 Q Were there unofficial discussions?

25 A Not even unofficially.

1 Q Was there not a compromise arrived at in
2 May or June 1939 on the question whether the pro-
3 posed alliance should commit Japan to military action
4 in support of Germany and Italy as against countries
5 with whom they might be at war other than Russia?
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7 A Yes, such matters were discussed at the
8 Five Ministers' Conference.
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1 Q I suggest to you that they were also dis-
2 cussed at the Cabinet conferences and that all agreed
3 on the compromise.

4 A Never has a discussion of the Five Ministers
5 Conference been reported to the Cabinet and there
6 debated.

7 Q If Mr. ARAKI himself has told us in his inter-
8 rogation, exhibit 2218, that questions of foreign policy
9 were reported from the Five Ministers Conferences to
10 the Cabinet and there decided upon, is he wrong?

11 A As I have said before, I do not recollect
12 any decision made by the Five Minister Conference ever
13 being reported to the cabinet as a whole. .

14 Q Now let us get a little clearer what was
15 the matter in dispute. First of all, was it not
16 agreed by all the members of the Five Ministers Con-
17 ference and of the Cabinet that Japan should enter
18 into a treaty with Germany and Italy by which she
19 was bound to give them military support if they be-
20 came involved in a war with Russia?

21 A No such decision was ever made by the Cab-
22 inet.

23 Q Was it made by the Five Ministers Conference?

24 A It is very difficult for me to speak of the
25 problem which was discussed very simply, inasmuch as

1 from the Spring through the Summer of 1939 this ques-
2 tion was discussed on many, many occasions by the
3 Five Ministers Conference and was a problem which
4 was extremely perplexing and complicated.

5 Q But that is quite a simple question, isn't
6 it?

7 A I am rather hesitant as to making any defi-
8 nite reply because I might possibly make a mistake in
9 making a reply. I say this because I hardly expected
10 that the details of the Tripartite Alliance would be
11 discussed today at this Tribunal -- the relation be-
12 tween the Five Minister Conference and the Tripartite
13 Alliance.

14 Q Did you know the late Baron HARADA?

15 A Yes. Well.

16 Q And did you frequently, throughout this year
17 1939, report to him for the information of Prince
18 SAIONJI exactly what had been discussed and what had
19 been decided?

20 A No, I have never made any report to Prince
21 SAIONJI myself, but I have on many occasions given
22 information to Baron HARADA which he might use in
23 reporting on diplomatic and political developments
24 which he might report to Prince SAIONJI, at Baron
25 HARADA'S request.

1 from the Spring through the Summer of 1939 this ques-
2 tion was discussed on many, many occasions by the
3 Five Ministers Conference and was a problem which
4 was extremely perplexing and complicated.

5 Q But that is quite a simple question, isn't
6 it?

7 A I am rather hesitant as to making any defi-
8 nite reply because I might possibly make a mistake in
9 making a reply. I say this because I hardly expected
10 that the details of the Tripartite Alliance would be
11 discussed today at this Tribunal -- the relation be-
12 tween the Five Minister Conference and the Tripartite
13 Alliance.

14 Q Did you know the late Baron HARADA?

15 A Yes. Well.

16 Q And did you frequently, throughout this year
17 1939, report to him for the information of Prince
18 SAIONJI exactly what had been discussed and what had
19 been decided?

20 A No, I have never made any report to Prince
21 SAIONJI myself, but I have on many occasions given
22 information to Baron HARADA which he might use in
23 reporting on diplomatic and political developments
24 which he might report to Prince SAIONJI, at Baron
25 HARADA'S request.

1 Q Now, was not the point in dispute this:
2 Whether the Treaty should include an undertaking
3 by which Japan would give military support to Germany
4 and Italy in the event of their being involved in a
5 war with some country other than Russia?

6 A I do not recall the exact phraseology or
7 the words used at the time, but generally, I think
8 it was so.

9 Q And were not HIRANUMA, the Premier, and
10 ITAGAKI, the War Minister, and OSHIMA, the Ambassador
11 in Germany, all in favor of agreeing to give such
12 support;---

13 MR. WARREN: I wish to object to that as call-
14 ing for a conclusion of the witness. I represent
15 HIRANUMA in this instance.

16 THE PRESIDENT: The objection is overruled.

17 Q ---on the other hand, was it not opposed by
18 Admiral YONAI and yourself?

19 A Yes, it is a fact that I and the then Navy
20 Minister YONAI were opposed.

21 Q At the time Prime Minister HIRANUMA was
22 given the Imperial command to form a cabinet succeed-
23 ing to that of Prince KONOYE, I was called by Prince
24 KONOYE to concede to my remaining in office as Foreign
25 Minister.

1 MR. WARREN: If the Court please, I would
2 like to object to this line of questioning for the fur-
3 ther reason that apparently they are now stepping out-
4 side of the matter contained in the affidavit -- at
5 least, as I interpret it, they are -- and for the
6 further reason, as I understood a previous ruling of
7 the Tribunal, this type of questioning being an attempt
8 to go into the case of another accused, would not be
9 permitted in these individual phases in this manner.

10 THE PRESIDENT: We placed no limitation of
11 that nature on the cross-examination. This matter
12 seems to be well within the scope of the affidavit.

13 The objection is overruled.
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1 Q Was not a compromise arrived at that, in the
2 event of Germany or Italy being at war with a country
3 other than Russia, Japan would give political and
4 economic support to them and military aid if possible,
5 but that it should be explained to them that it would
6 not be possible to give effective military aid?

7 A There were compromise plans on at least two
8 occasions. The compromise was not limited to one only.

9 Q Was not this the compromise which was adopted
10 round about the 4th of May, 1939?

11 A As I have said before, since I had made no
12 preparations to discuss the details of these discus-
13 sions or negotiations I am afraid I could not give you
14 an accurate reply.

15 Q And was not that compromise made known to all
16 the members of the Cabinet and to the chief secretary?

17 A I do not think that was the case.

18 Q And were they not all prepared to agree to it
19 including ARAKI?

20 A Inasmuch as the decision of the Five Ministers
21 Conference was not reported to the Cabinet as a whole,
22 there could not have been the possibility of the Cabinet
23 approving it.

24 Q Was it not put into a draft in that form and
25 sent to Germany?

1 A I cannot say whether the draft plan as just
2 read to me was sent just as it was; but it was as a
3 matter of course that a compromise plan somewhat to
4 that effect was communicated to the representative in
5 the field.

6 Q Now, do you say that the matter was allowed
7 to get to the stage of a draft treaty to which Japan
8 would be committed if the other side accepted it,
9 and that that was done without the knowledge of all
10 the members of the Cabinet?

11 A To every extent the discussion of this subject
12 matter was limited to the Five Ministers Conference
13 discussion. It was entirely in the preparatory state,
14 and only after some arrangement was reached between
15 Japan and Germany or the other party, then the matter
16 was to be submitted to the Cabinet for its approval,
17 and only thereafter would the treaty be formally
18 signed.

19 Q Let me ask you: You told us that you did
20 consult with Baron HARADA and discuss matters with him
21 from time to time. Was that because you knew that
22 Baron HARADA as Prince SAIONJI's secretary was the
23 channel through which SAIONJI would give direct advice
24 to the Emperor?
25

 A I do not know whether or not Prince SAIONJI

1 ever expressed opinions on diplomatic questions
2 directly to the Emperor. However, when any cabinet
3 changes took place it was Prince SAIONJI's responsi-
4 bility to recommend the succeeding cabinet and also
5 necessary for him to have correct information with
6 regard to the movements -- political and diplomatic
7 movements.

8 Q And wasn't that the reason why all the
9 various ministers and people who wanted to be ministers
10 were anxious to let HARADA know their views in order
11 to increase their position in the eyes of Prince
12 SAIONJI?

13 A I do not know what others felt or thought.

14 Q Wasn't that your reason?

15 A I had not one iota of thought of trying to
16 increase my own position or better my own position.

17 Q Now, let's turn to the question of the
18 alliance. Was not the draft which you told me was
19 drawn up as a result of the compromise in May rejected
20 by the Germans because they had an alternative draft
21 which they preferred?

22 A I do not know whether or not they actually
23 rejected the Japanese offer, proposal, but an alterna-
24 tive plan was submitted by the Germans.

25 Q Yes. And was not a new agreement reached

1 between the various parties taking part in the dis-
2 cussion in Japan on the 5th of June as to the manner
3 of handling that proposal?

4 A I do not remember the date exactly, but the
5 German draft was discussed by the Five Ministers
6 Conference.

7 Q Now, isn't it the fact that the differences
8 of opinion within the Cabinet on this and other ques-
9 tions were such that the HIRANUMA Cabinet would have
10 collapsed even if Germany had not signed the non-
11 aggression pact with Russia?

12 THE PRESIDENT: Mr. Carr, how will the answer
13 to that question help us, assuming it is what you
14 anticipate?

15 MR. COMYNS CARR: Possibly not. Possibly it
16 isn't worth pursuing, your Honor. In that case I will
17 not ask any further questions.

18 THE PRESIDENT: You are for the accused
19 OSHIMA, Mr. SHIMANOUCI?

20 MR. SHIMANOUCI: I should like to conduct a
21 cross-examination on behalf of the accused OSHIMA.

22 MR. COMYNS CARR: Your Honor, I am not aware
23 that the witness has said anything against the accused
24 OSHIMA. I put to him a question, but I didn't under-
25 stand the witness to agree with what I was suggesting.

1 THE PRESIDENT: I do not recollect any
2 adverse answer. His name was bracketed with that of
3 the accused HIRANUMA and another name that I have
4 forgotten.
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1 MR. USAMI: If the Tribunal please, as
2 counsel for HIRANUMA, I desire to re-examine this
3 witness on matters concerning HIRANUMA and which
4 occurred during the cross-examination of my friend.

5 THE PRESIDENT: Matters left obscure. But why
6 shouldn't Mr. McManus conduct the re-examination?

7 If nothing has been left obscure by the cross-
8 examination in relation to HIRANUMA, what is the scope
9 for re-examination, assuming you have the right?

10 MR. USAMI: The witness started to answer,
11 to tell the Court, that at the time of the formation
12 of the HIRANUMA Cabinet, the witness had a talk with
13 Mr. HIRANUMA, and the witness answered so far and my co-
14 counsel, Mr. Warren, came to the lectern and put an
15 objection.

16 THE PRESIDENT: If something hostile to the
17 accused HIRANUMA was said, you are entitled to cross-
18 examine. If something was left obscure in relation
19 to HIRANUMA, you are entitled to re-examine. Now,
20 what was hostile or what was obscure?

21 MR. USAMI: Nothing said hostile to HIRANUMA
22 by this witness, but he started to tell a story about
23 a talk he had with HIRANUMA at the time of the formation
24 of HIRANUMA Cabinet. He could not finish his story
25 because of my co-counsel's objection, and that story

1 I want the witness to continue and finish. That is
2 the only thing I should like to hear.

3 THE PRESIDENT: It may be a very interesting
4 story, but you can have it completed only if something
5 hostile was said about HIRANUMA or something left
6 obscure about him, and you can't suggest either and
7 you have no right to the lectern.

8 MR. USAMI: With all due respect to the Tri-
9 bunal, I think the testimony half finished leaves the
10 matter very obscure.

11 THE PRESIDENT: What was left obscure? I am
12 open to listen to you. I do not want to shut you out.
13 But you will not tell me what was left obscure.

14 MR. COMYNS CARR: Your Honor, my friend says --
15 I do not know if it is right -- that the witness was
16 prevented from completing the story by the interven-
17 tion of his co-counsel for HIRANUMA. He certainly
18 was not prevented by me.

19 THE PRESIDENT: Nor by the Tribunal. That
20 could have happened only if the objection were upheld,
21 and it was overruled.

22 The discussion is closed. You are not
23 entitled to re-examine or cross-examine.

24 Mr. McManus.

25 MR. McMANUS: I have no other questions, if

1 the Court pleases, and I therefore request that the
2 witness be permitted to stand down.

3 THE PRESIDENT: The witness is excused on
4 the usual terms.

5 (Whereupon, the witness was excused.)

6 MR. McMANUS: I now request to call the wit-
7 ne s ISHIWATA; document 2138.

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1 S O T A R O I S H I W A T A, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. McMANUS:

7 Q Will you state your full name, please?

8 A ISHIWATA, Sotaro.

9 MR. McMANUS: May the witness be shown
10 document 2138.

11 Q Would you please tell this Tribunal whether
12 or not that is your affidavit?

13 A This is my affidavit.

14 Q Are the facts contained therein true and
15 correct?

16 A Yes, true and correct.

17 MR. McMANUS: I now tender document 2138,
18 if the Court pleases.

19 THE PRESIDENT Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 2138
21 will receive exhibit No. 3170.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3170 and received in evidence.)

25 MR. McMANUS: I shall now read exhibit No. 3170

1 "Deponent: ISHIWATA, Sotaro.

2 "I, ISHIWATA, Sotaro, make oath and say as
3 follows:

4 "My address is No. 455 Seijo-machi,
5 Setagaya-ku, Tokyo."

6 THE PRESIDENT: In future, Mr. McManus,
7 omit that because he has already stated that on oath.

8 MR. McMANUS: All right.

9 THE PRESIDENT: It will appear in the transcript
10 twice now.

11 MR. McMANUS: (Continuing) "From January
12 until August 1939 and from February 1944 until February
13 1945, I was Minister of Finance; from January until
14 July 1940 and from February until April 1945, I was
15 Chief Secretary of the Cabinet; from April until October
16 1941, I was Chief of the General Affairs in the
17 Imperial Rule Assistance Association; and from June
18 1945 until January 1946, I was Minister of the Imperial
19 Household.

20 "In July 1941 while I was Chief of the General
21 Affairs in the Imperial Rule Assistance Association
22 (my resignation of the office was effected by the
23 appearance of the TOJO Cabinet) I was requested by
24 the Kokumin Press people to have a table talk with a
25 certain person who would be chosen by me as the most

1 suitable of the several persons suggested by them.

2 "I replied to them that General ARAKI was
3 the best partner to talk with if he would accept it,
4 because I knew him to have an intention of non-
5 expansion of the China Incident and also I knew him
6 not to agree to the Italo-German-Japanese Alliance,
7 which intentions he expressed to me many times.

8 "I understood that their idea was to make my
9 talk a feature with General ARAKI's opinion inserted
10 at several points.

11 "About the end of July, I remember, we five,
12 that is, General ARAKI and I, two from the Kokumin
13 Press and a scribe (he did not take down in shorthand)
14 met together at the Hakusui, a restaurant in Akasaka,
15 sometime around six o'clock in the evening.

16 "Most of the talk which lasted two hours was
17 occupied by General ARAKI, I remember, who told his
18 reminiscences at the time of the Siberian Expedition
19 more than two decades before, when he was a field
20 soldier. Most of it I heard for the first time and
21 was much interested. The journalists, however, were
22 much puzzled because it was not a conversation and
23 could not be made an intended article.

24 "Therefore they asked me later to agree to
25 their making an article of their own composition out

1 of the talk.

2 "So I replied that it might be inevitable
3 to alter the talk but that they must be very careful
4 not to create a story from it lest it should cause
5 any trouble.

6 "But the Article published in the paper was
7 far different from the talk which we had that evening;
8 my talk was increased much more than I did and General
9 ARAKI's was omitted more than half.

10 "Besides the dictation done at that evening
11 was not very good and I remember that many parts of
12 that article in the paper were not clear to me.

13 "Especially on that evening General ARAKI
14 compared the situation at the time of the Siberian
15 Expedition with that of the current time (1941) and
16 deplored the government for not having any definite
17 policy of unifying the army and the navy, and then he
18 worried deeply over the future of the nation.

19 "So far as I remember, the gist of his opinion
20 was that the government should act under principles
21 based on the great cause of justice and make final
22 decision in carrying out the schemes planned by the
23 army and the navy without their interference.

24 "But an article could not be permitted to
25 appear in the newspapers stating ill of the army and

1 the navy and the government under the circumstances
2 of that time (1941); therefore any opinion conflicting
3 with them was stuck out or shaded off by the editors.
4 Consequently the article in the paper resulted in an
5 incoherence.

6 "General ARAKI after he resigned from the
7 post of Minister of Education in the HIRANUMA Cabinet
8 in 1939, I observed conspicuously refrained from
9 facing the public and was noted as a recluse from
10 current events of the time. At the same time, the
11 army authorities were opposed to him.

12 "In the HIRANUMA Cabinet, Mr. ARAKI and I were
13 cabinet colleagues, I being Minister of Finance.
14 At that time the Five-Ministers Conference discussed
15 current problems, chiefly foreign issues, and made
16 decisions. Therefore, Minister of Education ARAKI
17 did not participate in it at all. As to the Nomohan
18 Incident, even I was reported after its occurrence."

19 THE PRESIDENT: That is "informed" I think.

20 MR. McMANUS: (Continuing) "When the YONAI
21 Cabinet was being formed, I made an earnest appeal
22 to General ARAKI to take the office of the Minister
23 of Home Affairs by order of Admiral YONAI, as the
24 General was considered a man of self-respect, but he
25 declined it on the grounds that he could not render

1 any service as the currents of the time were against
2 him.

3 "As the situation at the time of the table
4 talk was more critical than the time when the YONAI
5 Cabinet was formed, General ARAKI's gravest anxiety
6 with which he thought why the government did not estab-
7 lish a strong policy to suppress the army and the navy
8 and work out a plan for the security of the nation,
9 was manifested on the pretext of his old story of the
10 Siberian Expedition, as far as I can recollect.

11 "Under the various circumstances mentioned
12 before, the article that appeared in the paper was
13 much distorted and confusing and did not depict what
14 General ARAKI's talk actually was."

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: If it please the Tribunal,
17 the prosecution does not desire to cross-examine,
18 but the reference, in case the Tribunal wanted it, to
19 the newspaper article which the witness was discussing,
20 was exhibit 667 at page 7309.

21 MR. McMANUS: May the witness be excused?

22 THE PRESIDENT: He is excused accordingly.

23 (Whereupon, the witness was excused.)

24 THE PRESIDENT: Will you finish tomorrow,
25 Mr. McManus?

1 MR. McMANUS: Possibly, your Honor. I will
2 do my best.

3 THE PRESIDENT: We will adjourn until
4 half-past nine tomorrow morning.

5 (Whereupon, at 1600, an adjournment
6 was taken until Tuesday, 16 September 1947,
7 at 0930.)

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